

SEALED

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

2016 APR -6 PM 6:12

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOEY MERTZ GONZALES, aka WHEEL
CHAIR (01),
JEFFERY OZELL SARABIA, aka GUERO
(02),
EDDIE FLORES, aka LIL E, (03),
CARLOS RIOS (04),
ADRIAN FRANCISCO BARBOSA, aka LIL
A (05),
DAVID PHILLIP URDIALES, aka
TERMITE (06),
CRUZ CARLOS ACOSTA (07),
JOHN GARY ORTIZ, aka BIG JOHN (08),
CHRISTOPHER JAMES DAVILA, aka
LUCK (09),
NOEL ARCE (10), and
MARIO ALBERT LEAL, JR., aka LIL
MAN (11),

Defendants.

CRIMINAL NO.

SA 16 CR 0236 KR
INDICTMENT

[•Vio: Conspiracy to Distribute,
and to Possess with Intent to
Distribute, Heroin, Cocaine,
Cocaine Base, and
Methamphetamine, 21 U.S.C. §§
841(a)(1), 841(b)(1)(C) & 846;
•Vio: Distribution and Possession
with Intent to Distribute Heroin,
Cocaine Base, and
Methamphetamine, 21 U.S.C. §§
841(a)(1) & 841(b)(1)(C); 18 U.S.C.
§ 2]

THE GRAND JURY CHARGES:

Introduction:

There existed in the period alleged in this Indictment, an organization known as the Texas Mexican Mafia. The Texas Mexican Mafia is recognized as a prison gang, that is, it was formed and operates in prisons across the United States, its membership is largely comprised of persons who became members while in prison, and the gang's top leadership is incarcerated in various prisons in the United States.

The Texas Mexican Mafia has active members throughout Texas but is most active in

San Antonio, Texas and the counties surrounding San Antonio. The gang's activities are criminal and consist of drug-trafficking, extortion, and wide-spread violence used to maintain its reputation and to more effectively distribute narcotics and to extort others.

The Texas Mexican Mafia membership relies on its membership to distribute drugs through typical street sales and through the maintaining of "drug houses" where customers may purchase drugs. The gang's membership also conspires with non-members to distribute, and to possess with intent to distribute, narcotics by authorizing non-members to sell narcotics in exchange for payment of a "drug tax." Non-members who wish to sell narcotics in areas under the control of the Texas Mexican Mafia must first obtain permission of the Texas Mexican Mafia membership and then pay the mandatory drug tax. This arrangement constitutes an agreement between the Texas Mexican Mafia membership and those non-members who pay the drug tax to sell and distribute narcotics.

The persons named in this indictment are Texas Mexican Mafia members and associates who have joined together in the San Antonio, Seguin, and New Braunfels areas of the Western District of Texas to carryout drug distribution as charged below.

COUNT ONE

[21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), & 846]

That beginning around 2010, and continuing until this Indictment, in the Western District of Texas, Defendants,

**JOEY MERTZ GONZALES, aka WHEEL CHAIR (01),
JEFFERY OZELL SARABIA, aka GUERO (02),
EDDIE FLORES, aka LIL E, (03),
CARLOS RIOS (04),
ADRIAN FRANCISCO BARBOSA, aka LIL A (05),
DAVID PHILLIP URDIALES, aka TERMITE (06),
CRUZ CARLOS ACOSTA (07),
JOHN GARY ORTIZ, aka BIG JOHN (08),**

**CHRISTOPHER JAMES DAVILA, aka LUCK (09),
NOEL ARCE (10), and
MARIO ALBERT LEAL, JR., aka LIL MAN (11),**

knowingly, intentionally, and unlawfully combined, conspired, confederated, and agreed with others known and unknown to distribute and to possess with intent to distribute a controlled substance, which offense involved a mixture and substance containing a detectable amount of heroin, cocaine base, and methamphetamine, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C), and 846;

COUNT TWO
[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C)]

That on or about May 18, 2015, in the Western District of Texas, Defendant

JOEY MERTZ GONZALES, aka WHEEL CHAIR (01),

did knowingly, intentionally, and unlawfully distribute and possess with intent to distribute, a controlled substance, which offense involved a mixture and substance containing a detectable amount of heroin, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT THREE
[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C)]

That on or about June 10, 2015, in the Western District of Texas, Defendants

**JEFFERY OZELL SARABIA, aka GUERO (02), and
CHRISTOPHER JAMES DAVILA, aka LUCK (09),**

aided and abetted by each other, did knowingly, intentionally, and unlawfully distribute and possess with intent to distribute, a controlled substance, which offense involved a mixture and substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FOUR
[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C)]

That on or about February 16, 2016, in the Western District of Texas, Defendants

**EDDIE FLORES, aka LIL E, (03), and
JOHN GARY ORTIZ, aka BIG JOHN (08),**

aided and abetted by each other, did knowingly, intentionally, and unlawfully distribute and possess with intent to distribute, a controlled substance, which offense involved a mixture and substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT FIVE
[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C)]

That on or about February 12, 2015, in the Western District of Texas, Defendant

CARLOS RIOS (04),

did knowingly, intentionally, and unlawfully distribute and possess with intent to distribute, a controlled substance, which offense involved a mixture and substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SIX
[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C)]

That on or about January 14, 2015, in the Western District of Texas, Defendant

ADRIAN FRANCISCO BARBOSA, aka LIL A (05),

did knowingly, intentionally, and unlawfully distribute and possess with intent to distribute, a controlled substance, which offense involved a mixture and substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT SEVEN

[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C)]

That on or about July 7, 2015, in the Western District of Texas, Defendant

DAVID PHILLIP URDIALES, aka TERMITE (06),

did knowingly, intentionally, and unlawfully distribute and possess with intent to distribute, a controlled substance, which offense involved a mixture and substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT EIGHT

[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C)]

That on or about February 12, 2015, in the Western District of Texas, Defendants

**CARLOS RIOS (04), and
CRUZ CARLOS ACOSTA (07),**

aided and abetted by each other, did knowingly, intentionally, and unlawfully distribute and possess with intent to distribute, a controlled substance, which offense involved a mixture and substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT NINE

[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C)]

That on or about March 12, 2015, in the Western District of Texas, Defendants

**CARLOS RIOS (04), and
CRUZ CARLOS ACOSTA (07),**

aided and abetted by each other, did knowingly, intentionally, and unlawfully distribute and possess with intent to distribute, a controlled substance, which offense involved a mixture and substance containing a detectable amount of methamphetamine, a Schedule II Controlled

Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TEN
[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C)]

That on or about August 3, 2014, in the Western District of Texas, Defendant

NOEL ARCE (10),

did knowingly, intentionally, and unlawfully distribute and possess with intent to distribute, a controlled substance, which offense involved a mixture and substance containing a detectable amount of cocaine base, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT ELEVEN
[21 U.S.C. §§ 841(a)(1) & 841(b)(1)(C)]

That on or about September 9, 2014, in the Western District of Texas, Defendants

NOEL ARCE (10),
MARIO ALBERT LEAL, JR., aka LIL MAN (11),

aided and abetted by each other, did knowingly, intentionally, and unlawfully distribute and possess with intent to distribute, a controlled substance, which offense involved a mixture and substance containing a detectable amount of cocaine base, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

A TRUE BILL

FOREPERSON

RICHARD L. DURBIN, JR.
United States Attorney

By: 
JOEY CONTRERAS
Assistant United States Attorney